

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Telecommunications Relay Services)	
and Speech-to-Speech Services for)	CC Docket No. 98-
67		
Individuals with Hearing and Speech)	
Disabilities)	

**Comments of Telecommunications for the Deaf, Inc. to
Petitions for Reconsideration**

Telecommunications for the Deaf, Inc. ("TDI") respectfully submits the following Comments to the Federal Communications Commission (the "Commission") in response to the *Public Notice* in the above-referenced proceeding regarding the Petition for Limited Reconsideration filed by Sprint Corporation ("Sprint") on July 11, 2002 and the Petition for Reconsideration filed by Worldcom, Inc., ("Worldcom") on May 22, 2002.¹

INTRODUCTION

TDI is a national advocacy organization actively engaged in representing the interests of the twenty-nine million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind. TDI's mission is to promote equal access to broadband, media, and telecommunications for the aforementioned constituency groups through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards, and national policy development and advocacy. TDI supports the introduction of technological advances and new services which enable Americans who are deaf or hard of hearing, late-deafened, and deaf-blind to enjoy the opportunities and benefits of the telecommunications revolution to which they are entitled.

BACKGROUND

On December 22, 2000, WorldCom filed a Petition for Clarification in the above captioned docket which described WorldCom's Internet protocol relay service ("IP Relay") offering, and requested that the Commission clarify that IP Relay is eligible for reimbursement from the Interstate Telecommunications Relay Service ("TRS") Fund. By Declaratory Ruling released April 22, 2002, the Commission found that IP Relay does fall within the statutory definition of TRS and that providers of such services are eligible to recover their costs in accordance with Section 225 of the Communications Act of 1934, as amended.²

In its Declaratory Ruling, the Commission also considered WorldCom's request that the Commission waive certain minimum standards that IP Relay providers would otherwise need to meet in order obtain the certification required under the Commission's rules prior to qualifying for reimbursement. In response, the Commission granted to IP Relay providers, among other things:

(1) a one year waiver of the requirement that emergency caller information be passed on automatically to the nearest Public Safety Answering Points ("PSAPs") because IP Relay service does not allow the identification of the caller's location;³ and,

(2) a one year waiver of the requirement that IP Relay be accessible by voice so that IP Relay providers have sufficient opportunity to resolve technological problems involved with providing voice access to IP Relay.⁴

¹ Petitions for Reconsideration of Actions in Rulemaking Proceedings, Public Notice, Report No. 2569 (Aug. 13, 2002) ("*Public Notice*").

² 47 U.S.C. §225; *In re Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities - Petition for Clarification of WorldCom, Inc.*, 17 FCC Rcd 7779 ("Declaratory Ruling").

³ *Declaratory Ruling*, 17 FCC Rcd at 7789.

The waivers granted by the Commission did not extend, however, either to the provision of hearing carry over (“HCO”) functionality⁵ or the requirement that IP Relay provide access to 900 “pay per call” services.

On May 22, 2002, WorldCom filed a Petition for Reconsideration which argued that the waiver periods granted by the Commission in its Declaratory Ruling were too short because resolution of the issues upon which the waivers are based depends on technological factors beyond the control of IP Relay providers. WorldCom’s Petition for Reconsideration seeks indefinite waivers of those requirements or, alternatively, that the waivers be extended to five years.

On July 11, 2002, Sprint filed a Limited Petition for Reconsideration in which supported WorldCom’s Petition for Reconsideration. Sprint also requested that the Commission reconsider its decision not to extend the waivers to the provision of HCO functionality and 900 pay per call service.

In subsequent filings, WorldCom and Sprint indicated that due to the HCO ambiguity and 900 pay per call requirements, IP Relay providers have not been eligible to receive reimbursement from the interstate TRS fund. Sprint asserted that it has been advised that even if the Petitions for Reconsideration are granted, IP Relay providers will not be reimbursed for services rendered before the immediately preceding three months.

⁴ *Id.*, 17 FCC Rcd at 7789-90.

⁵ The Commission’s Declaratory Ruling does not clarify whether a carrier must support all HCO functionality or whether support of text leg of the call only (i.e. 2-line HCO) is sufficient to allow an IP Relay carrier to be eligible for reimbursement. *See* 17 FCC Rcd at 7790.

COMMENTS

TDI supports the development and availability of new products and service offerings that allow greater access and flexibility to TRS services. For that reason, TDI agrees with the Commission's finding in its Declaratory Ruling that IP Relay services should be eligible for TRS reimbursement. Furthermore, given that the Commission's Declaratory Ruling was released in April, TDI concurs with WorldCom and Sprint that reimbursement for a period longer than the immediately preceding three months is appropriate and that the Commission should allow the reimbursement for IP Relay services provided after the release of the Commission's Declaratory Ruling on April 22, 2002.

TDI agrees with WorldCom that IP Relay currently does not allow effective collection of location information and, for that reason, the IP Relay is not an effective means for placing emergency calls. TDI agrees that a significant risk exists that given current technology, emergency calls made through IP Relay may be improperly routed and that as a result, other means of handling emergency calls should be strongly favored, at least until technology develops to allow more effective passage of location information. Accordingly, TDI concurs with the Commission's decision to grant a waiver of the requirement that IP Relay providers automatically transmit the originating location information to the nearest PSAP.

TDI further agrees with WorldCom and Sprint that the waivers granted by the Commission in its Declaratory Ruling should extend to the provision of 900 calls and one-line HCO functionality. TDI concurs that like voice accessibility and emergency call handling, both of these services currently present technological problems and that solutions for said problems are not immediately available. TDI agrees that resolution of these technological issues is likely to coincide with resolution of the technological issues that form the basis for the other waivers

granted by the Commission in the Declaratory Ruling. In addition, by extending the waivers in these two areas, TDI anticipates that most IP Relay providers will become eligible for reimbursement and that significant expansion of both availability and use of IP Relay services may result. Accordingly, TDI supports the waiver grants in order to speed the deployment and availability of IP Relay services.

With respect to waiver duration, TDI agrees with the Commission's general position that technology and the marketplace should drive the pace at which IP Relay providers resolve the technical problems associated with the provision of voice-access to IP Relay and the relay of location information.⁶ At the same time, the Commission's policies should also encourage all TRS vendors, including IP Relay providers, to make new functionalities available at the earliest time possible. As a result, TDI does not support indefinite waiver grants but rather concurs with the Commission's decision to limit waivers to one year. TDI recognizes, however, that not all of the technological limitations may be resolved by the expiration of the one-year waiver period. Indeed the speed with which those issues will be resolved cannot accurately be predicted to a calendar year. Accordingly, TDI recommends that the Commission construct a mechanism by which the waivers granted to IP Relay providers may be extended judiciously as necessary upon the submission of technical feasibility reports supporting the extension of the applicable waiver.

⁶ See *Declaratory Ruling*, 17 FCC Rcd 7790.

CONCLUSION

TDI submits that the Commission's policies should promote the rapid deployment and advancement of IP Relay services. To that end, TDI supports both reimbursement of IP Relay providers and the expansion of the waivers granted by the Commission to the minimum standards to the extent set forth above. TDI submits, however, that such waivers should not be indefinite but should be limited in duration and extended as necessary based on technological developments.

Respectfully submitted,

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